

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOHN M. MEEKS,

Plaintiff,

Civil No. 06-6008-TC

v.

FINDINGS AND
RECOMMENDATION

UNKNOWN

Defendant.

COFFIN, Magistrate Judge.

Plaintiff filed a document with the court that is presumably intended to be a complaint or statement of claim. Plaintiff did not pay a filing fee or file an Application to proceed *in forma pauperis*.

For the reasons set forth below, plaintiff's complaint should be dismissed, without service of process, on the basis that it is frivolous. See 28 U.S.C. § 1915(d).

STANDARDS

A complaint filed *in forma pauperis* may be dismissed before service of process if it is deemed frivolous under 28 U.S.C. §1915(d). Neitzke v. Williams, 490 U.S. 319, 324 (1989); Jackson v. State of Ariz., 885 F.2d 639, 640 (9th Cir. 1989). A complaint is frivolous "where it lacks an arguable basis in law or in fact." Neitzke, 490 U.S. at 325; Lopez v. Dept. of Health Services, 939 F.2d 881, 882 (9th Cir. 1991); Jackson, 885 F.2d at 640.

In determining whether a civil rights complaint is frivolous under § 1915(d), this court is mindful of the requirement to liberally construe the allegations of a *pro se* plaintiff and to afford the plaintiff the benefit of any doubt. Lopez, 939 F.2d at 883.

DISCUSSION

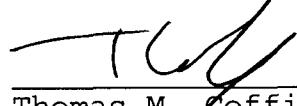
I find that regardless of how liberally plaintiff's complaint is construed, it fails to state a claim. The document filed by plaintiff is captioned as "Civil Rights Violation" but beyond the caption, nothing else in the document is comprehensible.

CONCLUSION

Based on the foregoing, plaintiff's complaint should be DISMISSED. Because it is apparent that the deficiencies of

the complaint cannot be cured by amendment, the dismissal should be with prejudice.

DATED this 25 day of January, 2006.



Thomas M. Coffin

United States Magistrate Judge